

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

OSAMA JAMAL ABDELKHALEQ and
LIMNA CHAVEZ,

Plaintiff,

vs.

DEPARTMENT OF HUMAN SERVICES,

Defendant.

No. CIV-11-255-JHP

ORDER

This matter comes before the Court on Defendant's Department of Human Services' FED. R. CIV. P. 12(b)(6) Motion to Dismiss Plaintiffs' Complaint. (Dkt.# 14). Plaintiffs have not filed a Response to said motion.

In order to survive a motion to dismiss for failure to state a claim upon which relief can be granted, factual allegations must be enough to raise a right to relief above the speculative level, on the assumption that all the allegations in the complaint are true even if doubtful in fact. *Bell Atlantic Corp. v. Twombly*, 127 S.Ct. 1955, 1964-65 (2007). Yet the Court need not accept as true legal conclusions from the complaint or “‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Ashcroft v. Iqbal*, ____ U.S. ____, 129 S.Ct. 1937 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. at 557) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. at 557). The Court, after careful review of the pleadings, and based upon the reasons as more fully set forth in Defendant's Motion to Dismiss Plaintiffs' Complaint (Dkt. # 14), finds that Plaintiffs have failed to meet this standard and Defendant's Motion to Dismiss is GRANTED.

IT IS SO ORDERED this 17th day of January, 2012.



James H. Payne
United States District Judge
Eastern District of Oklahoma